

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12134 of 2023

Arising Out of PS. Case No.-236 Year-2021 Thana- FORBESGANJ District- Araria

MD. WASIM @ MD. WASIM ALAM Son of Naiyar @ Md. Nayyar Alam
R/v- Bokada, Ward No. 12, P.S.- Simraha, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under section 21(C) of the N.D.P.S. Act.

As per allegation in FIR, the accusation against the petitioner is of involving in illegal transportation of codeine containing cough syrup of 474 bottles each bottle containing 100 ML being hidden in seized vehicle bearing Registration no. BR-11H-3869 and the petitioner is said to be owner of the aforesaid vehicle.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Nothing incriminating article has been recovered from conscious



possession of the petitioner and he has falsely been implicated in this case. It is further submitted that the petitioner is owner of the said vehicle from where recovery of 47.4 ml of Dialex cough syrup has been made, which is a human medicine and commonly used in cold and cough and easily available on any medical store, hence, the case of petitioner does not come under purview of N.D.P.S. Act. Moreover, the petitioner is languishing in judicial custody since 30.11.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Forbesganj P.S. Case No. 236 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Araria.

(Sunil Kumar Panwar, J)

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